LL. B. II Term

Paper : LB - 205 – Public International Law – I (Law of Peace)

Prescribed Books
4. I.A. Shearer, *Starke’s International Law* (1st Indian ed., 2007)

Prescribed Treaties
1. Charter of the United Nations
2. Statute of the International Court of Justice

**Topic 1 : Nature and Development of International Law**

1.1 Definition of International Law
1.2 Basis of International Law - Jurisprudential Theories
1.3 Codification of International Law : work of International Law Commission
1.4 Sanctions of International Law
1.5 Subjects of International Law
1.6 Third World and International Law

**Topic 2 : Sources of International Law**

2.1 Statute of the International Court of Justice, 1945 (Article 38)
   2.1.1 International Treaties and Conventions
   2.1.2 International Custom
4. Right of Passage over Indian Territory (Merits) (Portugal v. India), ICJ Rep. 1960, p. 6  7

2.1.3 General Principles of Law Recognized by Civilized Nations
7. Island of Palmas Case (Netherlands v. United States) (1928) Permanent Court of Arbitration, 2 R.I.A.A. 829
8. Temple of Preah Vihear Case (Merits) (Cambodia v. Thailand), ICJ Reports 1962, p.6  24

2.1.4 Judicial Decisions, Juristic Opinion
2.1.5 Ex aequo et bono

2.2 Other Sources of International Law
2.2.1 Resolutions of General Assembly

2.2.2 Resolutions of Security Council
10. Advisory Opinion of ICJ on Namibia, ICJ Rep. 1971, p. 16

2.2.3 Advisory Opinions of PCIJ and ICJ

**Topic 3 : Relationship Between International Law and Municipal Law**

3.1. Theories
3.1.1 Monistic Theory
3.1.2 Dualistic Theory
3.2 Practice of States: India, United Kingdom, United States of America

Topic 4 : State Responsibility

4.1 Basis of International Responsibility
22 Barcelona Traction, Light and Power Co. Ltd. Case, ICJ Rep. 1964, p. 6
23 Case Concerning United States Diplomatic and Consular Staff in Tehran (United States of America v. Iran), ICJ Rep. 1980, p. 3 (refer to Topic 8: Sovereign Immunities)
24 Nicaragua Case (Nicaragua v. USA) ICJ Rep. 1986, p. 14

4.2 Constituent Elements of International Responsibility
4.2.1 Damage Theory
4.2.2 Fault Theory
4.2.3 Absolute Liability and Risk Theory

4.3 The Act of State (Rules of Attribution)
25 LaGrand Case (Germany v. United States of America) ICJ Reports 2001, p. 466

4.5 Forms of Reparation
4.5.1 Restitution
4.5.2 Indemnity
4.5.3 Satisfaction
4.5.4 Guarantee against Repetition
4.6 Rule of Exhaustion of Local Remedies

**Topic 5 : Law of the Sea**

5.1 Maritime Zones
   - 5.1.1 Territorial Sea
   - 5.1.2 Contiguous Zone
   - 5.1.3 Continental Shelf
   - 5.1.4 Exclusive Economic Zone
   - 5.1.5 High Seas

5.2 Delimitation of Adjacent and Opposite Maritime Boundaries
   - 30. Republic of Italy v. Union of India (2013) 4 SCC 721

5.3 Concept of “Common Heritage of Mankind” Relating to the Resources of International Seabed Area
5.4 International Seabed Mining – Parallel System of Mining
5.5 Indian Maritime Interests, Policy and Law
5.6 International Tribunal for the Law of the Sea

**Treaties and Statutes**

2. Geneva Convention on Continental Shelf, 1958
7. The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976

**Topic 6 : State Jurisdiction**

6.1. Territorial Jurisdiction  
6.2. Jurisdiction based on nationality, protective principle  
6.3. Universal Jurisdiction  
6.4. Extra territorial Jurisdiction of State  
6.5. Extradition, Deportation, Asylum  

32 **Arrest Warrant of 11 April 2000**  
(Democratic Republic of the Congo v. Belgium) ICJ  

34. **Arrest and Restoration of Savarkar** (France/Great Britain, 1911)

**Topic 7 : International Human Rights Law**

7.1. Traditional Human Rights  
7.1.1. Civil and Political Rights  
7.1.2. Economic, Social and Cultural Rights  
7.2. Third Generation Human Rights (Solidarity Rights)  
7.3. Implementation of Human Rights at International Level  
7.4. Human Rights Council  
7.5. Regional Conventions on Human Rights  
7.6. Protection of Human Rights in India  
7.7. General Comments made by Human Rights Committee on Articles 6, 7, 9 of ICCPR, 1966 (2008)

36. **Gaurav Jain v Union of India & Ors.**, AIR 1997 SC 3021

**Treaties and Statutes**

1. Universal Declaration on Human Rights, 1948  
2. International Covenant on Civil and Political Rights, 1966  
6. The Protection of Human Rights Act, 1993 (India)
Topic 8: Sovereign, Diplomatic, and Consular Immunity/Privileges

8.1. Diplomatic agents - Types
8.2. Consuls
8.3. Sovereign and Non-Sovereign Acts
8.4. Diplomatic Immunity: personal and property
8.5. Consular Privileges and Immunities

37 The Schooner Exchange v. McFaddon (1812) 7 Cranch 116
39 Jurisdictional Immunities of the State (Germany v. Italy: Greece Intervening)

IMPORTANT NOTE:
1. The students are advised to read only the books prescribed above along with legislations and cases.
2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.